IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3080 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE KUNDAN SINGH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SWETABEN YOGESHKUMAR PANDYA

Versus

REGIONAL PASPORT OFFICER

Appearance:

MR MURALI N DEVNANI for Petitioner

MR AKSHAY H MEHTA Sr. Central Govt. Standing Counsel for Respondent.

CORAM : MR.JUSTICE KUNDAN SINGH

Date of decision: 27/04/2001

ORAL JUDGEMENT

Rule. Mr. Akshay H. Mehta Sr. Central Govt. Standing Counsel appears on behalf of the respondent and waives service of rule on behalf of the respondent.

2. This petition has been filed for a direction to

the respondent authority to correct the date of birth of the petitioner as 28-09-1980 instead of 28-7-1980, in the passport, on the basis of the birth certificate issued by the competent authority. Learned counsel for the petitioner submitted that wrong date of birth of the petitioner has been mentioned in the passport on the basis of the school leave certificate.

3. The petitioner has already moved an application on 23-4-2001 before the authority concerned for correction of the birth date mentioned as 28-09-1980 instead of 28-7-1980, in the passport, on the basis of the birth certificate issued by the competent authority. But the respondent authority has not entertained the application of the petitioner as it has no power or authority to make such correction in the birth date of the petitioner unless and until some order is passed by the Court of Law.

3. In the facts and circumstances of this case, this application is being disposed of with a direction to the respondent authority to entertain, consider and decide the application dated 23-4-2001 filed by the petitioner in accordance with law and if the respondent authority is satisfied that wrong date has been mentioned in the passport, make correction with regard to the date of birth of the petitioner as 28-09-1980 instead of 28-7-1980, in the passport, on the basis of the birth certificate issued by the competent authority and to issue passport with the correct date of birth of the petitioner as 28-09-1980, within a month from the date of receipt of writ of this Court or certified copy of this order whichever is earlier. The respondent authority will be at liberty to pass appropriate order with regard to the costs of these proceedings.

4. With the above directions and observations, this petition is disposed of. Rule is discharged.

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/JVSatwara/